IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 34967 of 2005(K)

PETITIONER:

AMARJAN P. RAHIM,
S/O.K.M.RAHIM,
SPIRUTUAL PALACE,
AYARKUNNAM P.O.
KOTTAYAM.

BY ADV. SRI.K.RAMAKUMAR (SR.)

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF VIGILANCE AND ANTI
CORRUPTION BUREAU, PLAMOODU,
THIRUVANANTHAPURAM.

3. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS SUPERINTENDENT,
KATHRUKKADAVU,
ERNAKULAM.

4. THE SUB INSPECTOR OF POLICE,
PUNALUR.

R1, R2 & R4 BY SRI. VENGANOOR CHANDRASEKHARAN NAIR,
ADDITIONAL ADVOCATE GENERAL.
& SRI. P.K. BABU, SR. GOVERNMENT PLEADER

R3 BY SRI.P.PARAMESWARAN NAIR, ASST.SOLICITOR GENERAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K. M. JOSEPH, J.

W.P.C. NO. 34967 OF 2005 K

Dated this the 12th December, 2007

JUDGMENT

H. L. DATTU, C.J.:

Petitioner claims that he is a public spirited citizen and also a tax payer. Further, he has stated in the Writ Petition that because of the large scale corruption in the functioning of the Corporation in allotment of wholesale distribution of the licences at Arakkulam and Thadiyambadu in Idukki District in the year 2005, he has stated that he has filed a complaint in Crime No.387 of 2004 before the Punalur Police Station and since nothing is done by the police authorities, he is before this Court, with a request to direct the first respondent in the Writ Petition, namely the State of Kerala, to entrust the investigation of the aforesaid Crime Case registered in the Punalur Police Station, to the Central Bureau of Investigation for investigation and to take further action in the matter.

2. Notice of this Writ Petition was ordered to be served on the respondents and they have entered appearance.

3. Learned Additional Advocate General would submit that the respondents will immediately entrust the investigation of Crime No.387 of 2004 registered in the Punalur Police Station, to the Central Bureau of Investigation for the purpose of investigation and to take appropriate proceedings. In view of the submissions made by learned Additional Advocate General, we need not go into the other details of the case. Accordingly, placing on record the statement made by the Additional Advocate General for the State, the Writ Petition is disposed of as under:-

(i) Without going into the other details of the case, the Writ Petition is disposed of.

(ii) The first respondent will now entrust the investigation of Crime No.387 of 2004 lodged in the Punalur Police Station, to the Central Bureau of Investigation, for the purpose of conducting an investigation and taking up all further proceedings pursuant to that investigation. This exercise shall be done by the first respondent as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this Court's Order.

(iii) If the State entrust the investigation of Crime No.387 of 2004 of the Punalur Police Station to the CBI, Shri P. Parameswaran Nair, learned Assistant Solicitor General, submits that the Central Bureau of Investigation has no reservation to proceed with the investigation.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.